

CITY OF HORSESHOE BAY

SIGN ORDINANCE

ORDINANCE NO. ORD 07-09-18A

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, REGULATING SIGNS WITHIN THE CITY LIMITS AND THE EXTRATERRITORIAL JURISDICTION, PROVIDING FOR THE FOLLOWING: PURPOSE, JURISDICTION, DEFINITIONS, REGULATIONS, STANDARDS, PERMITTING REQUIREMENTS AND PROCEDURE, VARIANCES, ENFORCEMENT INCLUDING CRIMINAL FINES NOT TO EXCEED \$500 PER VIOLATION AND CIVIL PENALTIES NOT TO EXCEED \$1,000 PER VIOLATION AND INJUNCTIVE RELIEF, SEVERABILITY; SAVINGS CLAUSE; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

- WHEREAS,** the City Council of the City of Horseshoe Bay, Texas (City Council) seeks to provide for the orderly development of land and use of property within its corporate limits and its extraterritorial jurisdiction; and
- WHEREAS,** the City Council seeks to maintain the value of the City's scenic and natural resources, which are the keystones of the City's economic strength and quality of life through a comprehensive regulatory program that includes Ordinances restricting Signs; and
- WHEREAS,** the City Council finds that improperly constructed and poorly maintained Signs may be safety hazards that constitute a public health risk; and
- WHEREAS,** the City Council finds that proper Signs can create a pleasing environment for visitors as well as the entire community; and
- WHEREAS,** the City Council finds that certain Signs overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic; and
- WHEREAS,** the City Council finds that certain Signs constitute aesthetic harm by cluttering the rural landscape and highway corridors and adversely affecting the naturally scenic views and native environment; and
- WHEREAS,** the City Council finds that certain Signs may conceal or obstruct windows, doors, or significant architectural features or details of buildings; and

WHEREAS, the City Council finds it to be in the best interest of the public safety, health and general welfare to regulate the construction, design, repair, demolition, maintenance and use of Signs so as to preserve the quality of life for City residents, visitors and property owners, maintain the public rights-of-way, prevent threats to public safety, prevent traffic hazards, restrict Signs that unduly interfere with scenic views and constitute a public nuisance, and discourage Signs that are detrimental to property values; and

WHEREAS, the City Council finds it to be in the best interest of the public to regulate Signs so as to promote roadway and pedestrian safety, encourage effective communication with the public, improve the appearance of the City, and uphold the principles of free speech, including commercial speech and to promote a positive small City character reflecting order, harmony and pride, while preserving the authentic cultural heritage of the area; thereby strengthening the economic stability of Horseshoe Bay's business, cultural, historical, and residential areas, and

WHEREAS, the City Council is authorized to regulate Signs by virtue of the Texas Constitution, the City's police power and by the Texas Local Government Code, Chapters 51, 54, 211, 216, and 217, of which, Chapter 216 expressly authorizes the regulation of signs within the City's extraterritorial jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS, THAT:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. SIGN REGULATIONS

(a) Purpose

This Ordinance provides uniform standards for the erection and maintenance of Signs. All Signs not exempted as provided in this Ordinance shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

- (1) **Safety.** To promote the safety of persons and property by providing that Signs do not:
 - (A) Create a hazard due to collapse, fire, decay or abandonment;
 - (B) Obstruct firefighting or police observation ability;

- (C) Create traffic hazards by confusing or distracting pedestrians or motorists; or
 - (D) Become obstacles that hinder the ability of pedestrians or motorists to read traffic Signs.
- (2) **Communications efficiency.** To promote the efficient transfer of information in Sign messages provided that:
- (A) Those Signs which provide public safety messages and information are given priorities;
 - (B) Businesses and services can identify themselves;
 - (C) Customers and other persons can locate a business or service;
 - (D) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way for communication purposes;
 - (E) Persons exposed to Signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose; and
 - (F) The right of free speech is preserved and exercised through the use of Signs.
- (3) **Landscape quality and preservation.** To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that Signs:
- (A) Do not interfere with scenic views;
 - (B) Do not create a nuisance to persons using the public rights-of-way;
 - (C) Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement;
 - (D) Are not detrimental to land or property values;
 - (E) Do not contribute to visual blight or clutter; and
 - (F) Are architecturally compatible and harmonious with the structure or tract of land to which they pertain and to neighboring structures, as well as the City at large.

(b) Jurisdiction

The provisions of this Section shall apply within the City Limits, and within the extraterritorial jurisdiction (ETJ) of the City as defined by the Texas Local Government Code, Chapters 6, 22, and 42, and pursuant to the express authority and limitations provided in Chapter 216. For the purposes of these Sign regulations, all Signs erected within the ETJ of the City shall be erected in accordance with the standards imposed for property inside the City Limits.

(c) Compliance Required

It shall be unlawful for any person to violate the provisions of this Ordinance.

(d) Definitions

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined in this Ordinance but are defined in other Ordinances of the City shall be given the meanings set forth in those Ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

Advertising means the act of calling something to the attention and notice of the public or selected members of the public, for commercial, entertainment, or any other communication purpose except the giving of directions or similar guidance.

Advertising Devices means banners or streamers affixed to poles, wires, or ropes, wind operated devices, flashing lights, and other similar contrivances.

Banner means a Sign, intended to be hung without frames, made of paper, plastic, or fabric of any kind, which may possess colors, characters, letters, illustrations, or ornamentations. Flags of governmental jurisdictions and flags carrying the emblem of a business or institution are not to be considered a banner for the purpose of this Ordinance.

Billboard means a Sign that is designed for changeable copy, so the characters, letters or illustrations can be changed or rearranged within a fixed Sign face which advertises a business, organization, event, person, place or thing whether located or not on the same site (or property) as the billboard.

Building Official means the Building Official of the City or his agent, usually the Development Services Department of the City.

Community Service Amenities mean any amenities provided by a non-profit community use, social institution or public use.

Curb Line means an imaginary line drawn along the outermost part or back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the

paved roadway, or if there is no paved roadway, along the outermost edge of the traveled portion of the roadway.

Entrance means a point or place intended for entry by vehicles or pedestrians into a subdivision, distinct portion of a subdivision park, golf course, amenity, parking lot, shopping area, or similar discreet area within the City.

Erect means to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of Signs.

Facade means any separate face of a building which encloses or covers usable space.

Face, Facing or Surface means the surface of the Sign, excluding structural trim or supports, upon, against, or through which the message is displayed or illustrated on the Sign.

Free Standing Service Facility means automatic bank teller machine, film photo finishing outlet or other similar facility located in a free-standing structure devoted solely to such use or as an accessory to one or more principal buildings.

Height means the vertical distance between the highest part of the Sign or its supporting structure or any attached component, whichever is higher, and the established ground level beneath the Sign at the nearest natural or finished grade, unless curb elevation is higher than the ground level, in which case the height shall be measured from curb level.

Incombustible Material means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Integrated Business means a commercial business in which more than one business owner operates and which meets one or more of the following criteria:

- (1) Each business owner owns shares of stock or partnership interest in a corporation that owns the grounds and building(s); or
- (2) Each business owner owns his own space under an undivided interest arrangement or a condominium arrangement; or
- (3) Each business owner rents/leases his own space within the same building; or
- (4) Each business owner is a member of a merchants association which contributes to the joint promotional efforts of the center.

Model House means a dwelling built first by a developer or builder to allow potential purchasers to see what one or more of the finished houses will look like before all of the homes in the development are completed. For a house to qualify as a Model House, the house must be furnished with all utilities connected.

Non-Conforming Sign means a Sign that does not conform to the regulations of this or other City Ordinances, but which was placed or constructed in accordance with City Ordinances existing at the time of its placement or construction or prior to any City Ordinances being adopted.

Other Advertising Structure means any marquee, canopy or awning, as further defined in this Ordinance.

Party Responsible means the person whose name or business is being advertised on the Sign and the owner of the property, as well as any person responsible for management of the property upon which the Sign is located.

Permittee means a person receiving a permit pursuant to the provisions of this Ordinance.

Person means any individual, firm, partnership, association, corporation, company or organization of any kind.

Private Real Property means any real property which is not subject to an easement or other encumbrance that allows the City or other political subdivision to use the property for a public purpose.

Professional Name Plate (Shingle Sign) means a Sign denoting only the name, occupation and address of an occupant in a commercial, public, or institutional building.

Setback Clearance Zone means that area enclosed by drawing an imaginary line connecting two points located within fifteen (15) feet of the curb line of any corner of a street intersection, street/driveway intersection, or street/alley intersection.

Sign means an outdoor structure, display, light device, painting, drawing, message, plaque, poster, billboard, writing, pictorial representation, illustration, emblem, symbol, design or other item that is designed, intended or used to advertise or inform. As used in this Ordinance, the term specifically includes any letters, figures, symbols, trademarks, or devices designed to inform people or attract the attention of persons to an individual, firm, profession, business, commodity or service, and which is recognizable from any public right-of-way, including any structure or a part thereof, or which is attached to or in any manner represented on a building or other structure, and is placed outside in view of the general public and is used for purposes of advertisement, identification, or expression.

Sign, A-Frame. See definition of "Unattached Sign".

Sign, Agricultural means a Sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or kept thereon.

Sign, Area means the largest area of the Sign visible at any one time from any one point enclosed by a single continuous perimeter including any framing or trim enclosing a message, but not including any structural parts lying outside the limits of such Sign which does not form an integral part of the message display. The Sign area shall be measured on only one side of a double-faced

Sign provided that the two faces are parallel to each other and provided that the faces are the same size and share a common structural support. In cases where the Sign, or portion thereof, is composed only of letters, figures, or other characters independently secured to a monolith or not standing against a Sign face background, then the Sign face area shall be the sum of the area of an imaginary figure (circle, triangle, rectangle, or other) which fully contains all words, figures, devices, designs, or trademarks which constitute the Sign.

Sign, Awning means an on-premise Sign that is mounted or painted on or attached to an awning, canopy or marquee such that the Sign does not project above, below or beyond the physical dimensions of the awning, canopy, or marquee.

Sign, Bandit means a Sign made of any material when such Sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such Sign is located.

Sign, Bench means any Sign attached to, painted on, or otherwise located upon or made a part of Community Service Amenities including, but not limited to, benches, trash containers, shuttle stops, shelters and fences.

Sign, Canopy means an on-premises Sign that is mounted or painted on or attached to an awning, canopy or marquee that extends over a public right-of-way that is attached to or is an extension of a building such that the Sign does not project above, below or beyond the physical dimensions of the awning, canopy, or marquee. Canopy Sign definition shall include signage associated with gasoline service stations and shall be limited to gas price, name and company identification.

Sign, Commercial Project means a permanent on-premises Sign, attached or detached, indicating information such as logo, name of building, name or type of business(es) and address of the project.

Sign, Construction Control means temporary Signs placed on a new construction site providing notice of construction activities as may be necessary for the safety of workers and visitors to the site and as may otherwise be required by insurance carriers, OSHA or other governmental authorities.

Sign, Construction Identification means a temporary Sign placed on a new construction site identifying the project, and/or identifying the property owner, architect, contractor, developer, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the Sign is located and may include other information regarding the project.

Sign, Community Service (Public Service) means a Sign which solicits support for or advertises a non-profit community use, social institution, or public use. Such Signs may include, but shall not be limited to, school activities, charitable programs, religious activities, or location of places or events of community or tourist interest and may include business advertising provided that the same shall constitute not more than 25% of the Sign.

Sign, Damaged means a Sign, which is unsafe, unsecured, disfigured, or broken.

Sign, Directional means a Sign that is freestanding, the primary purpose of which is to direct a person to any specific location in the City or within its subdivisions. For example, the Directional Sign at the Entrance to HSB West could include the following (among others): Cap Rock Club House, Applerock Golf Course and Pecan Creek. Advertising is not allowed on any Directional Sign.

Sign, Double Faced (Back to Back) means an advertising structure with two closely located Signs with faces in opposing directions, with less than a 15 degree angle between the Sign faces. Any structure with more than a 15 degree angle between Sign faces will constitute two Signs.

Sign, Fence means a sign that is affixed to or painted on any fence and which uses a component of the fence as its means of support or background. See also the definition of a Wall Fence. A Fence Sign may be considered a Wall Sign even if it has more than one surface for display/advertising.

Sign, Flashing means a Sign, the direct or indirect illumination of which is not constant in intensity when in use, but not including Illuminated Signs that indicate the date, time or temperature, or other public service information, shall be considered a flashing Sign.

Sign, Free Standing Service Facilities mean Signs that advertise Free Standing Service Facilities.

Sign, Governmental means a Sign indicating a public works project, or other program or activity conducted or required by any governmental subdivision. This is also considered a Community Service Sign.

Sign, Ground means a Sign which is secured to the ground, and which is not affixed to a building. Secured is defined in the definition of "Unattached Signs".

Sign, Illuminated means any Sign which has characters, letters, figures, designs or outlines illuminated in any manner by an artificial light source of any kind, either detached from the Sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not Illuminated Signs.

Sign, Integral means a memorial Sign or tablet, name of a building, or date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.

Sign, Marquee means a Sign hung from or affixed to a marquee. It shall be synonymous with a Canopy Sign.

Sign, Monument means a permanent ground Sign independent of the principal building or structure on the property generally cast out of stone, brick or cast concrete material supported on a concrete foundation across the entire base of the structure.

Sign, Moving means any Sign which moves or has moving parts.

Sign, Off-Premise means a Sign, including a billboard, displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily produced, manufactured or sold on the premises on which the Sign is located. The term also includes a Sign that does not refer exclusively to the name, location, persons, accommodations, sale, lease, construction, or activities of or on the premises where it is erected. The premises of a shopping center include the outparcels.

Sign, On-Premise means a free-standing Sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

Sign, Open House means a temporary portable Sign on a property offered for sale, lease or rent identifying that the home is available for public viewing, and may contain a directional arrow.

Sign, Portable means a transportable Sign of durable construction on wheels, skids, legs, or framing including trailers and searchlights, the principal intent of which is for advertising or promotional purposes, and which is not designed nor intended to be permanently affixed to a building, other structure or the ground. A portable Sign that has its wheels removed shall still be considered a portable Sign. Also see definition of "Unattached Sign".

Sign, Project Identification means a permanent detached on-premise Sign for single and multi-family housing projects or residential subdivisions indicating information such as the name and address of the project.

Sign, Projecting means a Sign, other than a wall Sign, which is affixed to any building or wall, and whose leading edge extends more than two (2) feet beyond such building or wall. A Canopy or Marquee Sign is not defined as a Projecting Sign.

Sign, Property Identification means a sign that displays the address of the residence, building, business, lot, or other property on which it is located and which serves no other purpose than to inform the public of the identity, location, or address of that property.

Sign, Realty means a Sign which is used to offer real property for sale, lease, or rent.

Sign, Roof means a Sign that is mounted on, and is wholly supported by the roof of a building and does not extend beyond the wall line.

Sign, Sandwich See definition of "Unattached Sign".

Sign, Temporary means any Sign that is used temporarily and is not permanently mounted, constructed of cardboard, cloth, canvas, paper, plastic, fabric of any kind, plywood, wood, or similar lightweight material, or metal, which may possess colors, characters, letters, illustrations, or ornamentations. A Portable Sign is not a temporary sign.

Sign, Unattached means a Sign which is carried, wheeled, or moved about without having to detach the Sign from a secure anchoring device which is set in the ground or to a building which is set on an approved foundation, or a Sign which is not secured in a manner approved by the Building

Official and designed to withstand wind pressures as specified in the 2003 International Residential Code, or the 2003 edition of the International Code Regulating and Governing All Buildings or Structures Not Governed by the Residential Code, as applicable. Such Signs are considered to be unattached if they can reasonably be expected to be blown out or about in high winds or may cause injuries to pedestrians and traffic hazards. Said Signs include Portable Signs, "A- Frame" Signs, and Sandwich Signs. The following Signs are not included in this definition: individual contractor Signs, Political Signs which are six (6) square feet in area or less, Signs intended for temporary use for safety reasons due to construction, dangers, or traffic control, and governmental or community service Signs which are to inform the public.

Sign, Wall means a Sign that is affixed to, or painted on, the facade of a building and erected parallel or approximately parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one surface for display/advertising such that the wall forms the background surface of the Sign and which does not project more than eighteen (18) inches perpendicular to the wall. A Fence Sign shall be considered a Wall Sign

Structural Trim means the molding, battens, capping, nailing strips, lattice, and platforms which are attached to the Sign structure.

(e) Permit Required

(1) No person shall erect, construct, alter, repair, or relocate a Sign without first obtaining a permit from the Development Services Department of the City. The Signs described in Section IV shall be an exception to the requirement.

(2) Each application for a Sign permit shall be accompanied by a "Sign Package" identifying all anticipated signage on the property, including the overall Sign design philosophy, the interrelationship of styles, as well as all shapes, sizes, illuminations and materials intended to be used in the signage displays. All Sign Package elements shall be developed in the spirit of the appropriate subdivision's Architectural Committee's guidelines and policies. Applications for a Sign permit must be made on a form provided by the City and shall contain and have attached at least the following information:

(A) Name, address and telephone number of the applicant;

(B) Name and firm of person erecting Sign;

(C) If applicant is not the owner of real property where Sign is proposed to be erected, written consent of the property owner;

(D) Location of building, structure, address or legal lot and block to which or upon which the Sign is to be attached or erected;

(E) A site plan indicating position of the proposed Sign and other existing advertising structures in relation to nearby buildings or structures, north arrow, and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts, and setbacks.

(F) Copy of stress diagrams or plans, when needed, containing information as to safety and structural integrity of the Signs. Note that the City assumes no liability for safety and structural integrity.

(G) Indicate whether the Sign will require electricity.

(H) Copy of permit approved by Texas Department of Transportation, Texas Transportation Commission, or successor agencies if state law requires a state permit.

(I) Written approval of the Architectural Committee, Declarant or Amenity Owner (as required by the applicable Declaration of Reservations and/or Covenants, Conditions and Restrictions) of the appropriate subdivision.

(J) Such other information as the City requests to show full compliance with this Ordinance and all other standards of the City of Horseshoe Bay.

(f) Permit Issuance

Consideration, evaluation, and approval or denial of applications for Sign permits will be performed by the Development Services Manager. Upon the filing of an administratively complete application for a permit, the Development Services Manager shall:

(1) Examine the plans and specifications and the premises upon which the proposed Sign shall be erected as needed;

(2) Interface with the appropriate subdivision's Architectural Committee, Declarant or Amenity Owner, if required; and

(3) Issue a permit if the proposed sign and sign structure complies with the requirements of this Ordinance and all other standards of the City.

(4) Declare the Sign Permit to be null and void if the work authorized under a Sign permit is not completed within six (6) months after the date of issuance.

(5) Not issue a permit if the proposed sign or sign structure does not comply with the requirements of this Ordinance and all other standards of the City. Such decision will be made within thirty (30) days of receipt of a complete application. Such decision can be appealed to the City Council.

(g) Permit Fee

Every applicant, prior to issuance of a permit, shall pay the City a nonrefundable fee in an amount determined by current Sign permit rates.

(h) Variances

(1) Within thirty (30) days after denial of a Sign permit by the Development Services Manager, a written request for a variance may be filed with the City to appear before the City Council. The City Council may grant a variance upon affirmative written findings as to the following elements:

(A) The unusual shape or topography of the property in question or some other significant factor prevents Signage allowable under the provisions of this Ordinance from adequately identifying the business or other activity located on the subject property;

(B) The variance is not contrary to the public interest;

(C) Due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement; and

(D) The spirit and purpose of the Ordinance will be observed and the design guidelines set forth in this Ordinance are substantially met and substantial justice will be done.

(2) The City may impose such conditions or requirements in a variance as are necessary in the City's judgment to protect the overall character of the community and to achieve the fundamental purposes of this Ordinance.

(i) Revocation of Permit

The City may revoke any permit where there has been a violation of the provisions of this Ordinance or a misrepresentation of facts on the permit application.

(j) Number, Date and Voltage

Every permitted Sign or other advertising structure must display in a conspicuous place the date of erection, the permit number and the voltage of any electrical apparatus used.

(k) Changes

After a Sign permit has been issued by the Development Services Manager, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of said Sign permit without prior approval by the Development Services Manager.

(l) Removal of Signs in Violation

Whenever the Development Services Manager, Code Enforcement Officer, Building Inspector or any police officer finds a Sign that was erected after the effective date of this Sign Ordinance and which was erected, constructed, altered, repaired, or relocated in violation hereof, the Official or officer shall require the party responsible for such Sign to remove same. If the party responsible fails to remove said Sign within five (5) days after being notified to do so, or if it appears to the Official or officer that the illegal Sign placement poses an immediate danger to the public, then such Sign may be removed by the City at the expense of the party responsible. Any Sign so removed shall be stored or impounded and shall not be returned to the party responsible until all applicable charges are paid. If any Sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within the thirty (30) day period, the City may destroy, sell, or otherwise dispose of the Sign.

(m) Maintenance of Signs and Replacement of Non-Conforming Signs

(1) Ordinary maintenance of all Signs is permitted without the necessity of obtaining a permit as required by this Section. Ordinary maintenance shall mean the refurbishment of Signs as they exist with no substantial alteration. Replacement or reconstruction of any part of a Sign shall not be considered ordinary maintenance.

(2) In the event a change in use, occupancy, or ownership occurs and necessitates the alteration of a Sign in any manner, the entire Sign must then comply with any provisions of this Ordinance.

(3) Non-conforming Signs which have been damaged, blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations, require a permit to reconstruct in accordance with these regulations.

III. SIGNS ALLOWED

(a) Permanent Signs for single and multiple family projects. Single and multiple family signs, upon approval, may be placed on the property during construction and/or after completion of construction. Permanent single and multiple family project signs must meet the following criteria:

(1) General Guidelines

Single Family residential subdivisions are allowed one permanent identification Sign at each main entrance to the subdivision. Projects that consist of more than four (4) units may erect one (1) detached Project Identification Sign. If such Sign is to be externally illuminated, it must be by ground spot light only. To the extent practical, appropriate address information for 911 purposes shall be included.

(2) Maximum Size and Maximum Height

(A) Sign Face: Four (4) feet High by five (5) feet wide

(B) Bottom of Sign will not extend more than two (2) feet above grade with a maximum height of six (6) feet.

(3) Number of Signs Permitted

One per Multiple Family building. This sign may be a detached Project Identification Sign.

(b) Permanent Commercial Project

Permanent Commercial Project Signs must meet the following criteria:

(1) General Guidelines

(A) Sign location should be designated on the original building plans and conform to the architectural style of the building.

(B) Building mounted Signs must lay flat and horizontal with the wall of the building and not protrude perpendicularly therefrom, and not extend above the parapet of the building.

(C) Only one detached Sign will be permitted for each commercial building displaying the name of the building and the occupants. Each occupant Sign shall match in size, color, and design.

(D) Detached Sign size and height: Maximum Sign face to be six (6) feet high by five and one half (5 1/2) feet wide. The bottom of detached Signs shall be no more than three (3) feet above grade.

(E) Detached Sign lighting is limited to ambient light and to external illumination by ground spot lighting only. Neon and fluorescent lighting is not permitted on detached Signs.

(c) Construction Identification Signs

(1) Construction Identification Signs for new home construction must meet the following criteria:

(A) One approved Construction Identification Sign may be placed on a building site during the construction period plus ten (10) days, beginning with the date the building permit is approved and ending ten (10) days after the final inspection.

(B) Illumination is prohibited.

(C) Restricted to the street side of the project. This Sign is not allowed on the golf course frontage or to be visible from the golf course. This Sign is not allowed on the waterfront or the view side of properties.

(D) On property classified as: R-1, R-2, R-4, or C-2, the maximum size is: Residential: 42" high x 42" wide or 48" high x 36" wide; Commercial: 60" high x 48" wide or 72" high x 42" wide.

(E) The Sign may list only the following:

(i) Phone Number (principal contractor's only)

(ii) Name of project (if applicable)

(iii) Name of principal contractor, engineer, architect, decorators, and financial institution.

(F) The bottom of such Sign shall not exceed more than two (2) feet above grade.

(d) Model House Signs

(1) Model House Signs must meet the following criteria:

(A) Be part of a new project.

(B) Be part of a speculative project.

(C) Property must be landscaped.

(D) Structure must be furnished and decorated and all utilities connected.

(E) Structure must be unoccupied.

(F) An "Open"/"Closed" Sign must be posted on a front window or door.

(2) Maximum Size and Maximum Height:

(A) Maximum of 18" high x 30" wide

(B) Bottom of the Sign shall not extend more than two (2) feet above grade

(3) Illumination of Model House Signs is prohibited.

(4) Model House Signs may be coordinated with other such signs when part of a Parade of Homes.

(e) Open House Signs

(1) These Signs will only be approved for individual property owners or for real estate agencies with offices located in the City.

(2) A permit to erect an Open House Sign is not required; however a permit for the real estate agency to erect Open House Signs must be on file.

(3) The permit will remain valid as long as:

(A) Open House Signs are only displayed for three (3) of any seven (7) consecutive days,

(B) Open House Signs are only displayed during the actual times specified on the Sign as open for viewing,

(C) Open House Signs are only displayed while such house is manned with a homeowner or a licensed sales agent, and

(D) Open House Signs are removed at the end of each day.

(4) Open House Signs must meet the following criteria:

(A) Size

(i) Height of three (3) feet, width of two and one-half (2 ½) feet, thickness of two (2) inches.

(B) Sign Location and Placement.

(i) Location of Sign is restricted to street side of project.

(ii) Signs are not allowed on the golf course frontage or to be visible from the golf course.

(iii) Signs are not allowed on the waterfront, or view side of properties.

(iv) Sign may be placed in the yard or drive at least five (5) feet from street pavement.

(v) No more than one (1) Sign per home, town house, or condominium project.

(5) Failure to remove Open House Signs when not manned by a homeowner or a licensed sales agent, when the house is locked, and/or during the overnight period will lead to cancellation of the permit for the display of Open House Signs issued to the homeowner or the real estate company conducting the open house and the Open House Sign will be removed.

- (6) No Sign other than one (1) specified yard sign is allowed.
- (7) No Sign that directs traffic to the open house is allowed.
- (8) Open House signs for property for lease or rent are not allowed.

(f) Directional

Directional Signs must meet the following criteria:

- (1) Are only allowed on a permanent basis for the following: City, Property Owners' Association, amenity owner, church, hotel, multi-family projects, office buildings, hospital, medical clinic and retail centers.
- (2) Are allowed on a temporary basis (not exceeding one year, but may be re-permitted once) for developers of new subdivisions or property subject to a planned development ordinance.
- (3) Cannot be larger than three (3) feet by five (5) feet and the bottom of the Sign cannot extend more than three (3) feet above grade, except for Directional Signs at Entrances.
- (4) Must have a masonry base.
- (5) Directional Signs at Entrances are allowed and cannot be larger than six (6) feet by five and one half (5 1/2) feet and the bottom of the Sign cannot extend more than three (3) feet above grade.
- (6) Advertising is not allowed on any Directional Sign.

(g) Monument

Monument Signs are only allowed for the following: City, Property Owners' Association, Amenity Owner, church, hotel, multi-family projects, office buildings and retail centers and cannot be larger than six (6) feet by five and one-half (5 1/2) feet and the bottom of the Sign cannot extend more than three (3) feet above grade.

(h) Construction Control

Construction Control Signs of a size, color and material as may be required by Federal or State government regulations, insurance providers, or the developer/contractor to minimize the risks and hazards associated with the work environment. Such signs may be mounted on wood posts or metal frames and cannot be larger than three (3) feet by five (5) feet and the bottom of the Sign cannot extend more than two (2) feet above grade.

(i) Wall Signs

Wall Signs are permitted but cannot be larger than four (4) feet high x five (5) feet wide.

IV. SIGNS EXEMPT FROM REGULATION

The Signs described in this Section are exempt from the regulations provided for in this Ordinance. However, the Signs in this Section may still require approval of the Architectural Committee, Declarant or Amenity Owner of the particular subdivision in which they will be located. However, said Signs, except as otherwise indicated in this Ordinance, shall remain subject to the Permit requirements of Section II (e) and to construction and electrical standards of City Codes.

(a) Signs specifically approved in a Planned Development Agreement or Planned Development Ordinance.

(b) Announcement/Party Signs – 24 hour maximum placement. One (1) sign per event.

(c) “Lobby Type” Signs identifying the different tenants occupying a professional office or commercial building, professional name plates or "Shingle Signs" on premises, provided that such Signs do not exceed four (4) square feet in area.

(d) “Door Type” Signs denoting the name and address of professional occupants of a professional office on the premises, provided that such Signs do not exceed two (2) square feet in area.

(e) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, societies, hotels, amenities or charitable organizations and located on the premise of such institution, provided that if it is a freestanding Sign, such Signs does not exceed sixteen (16) square feet in area.

(f) Governmental Signs provided that such Signs do not exceed thirty-two (32) square feet in area.

(g) Community Service Signs. Such Signs may be placed on public property only by units of local, State or Federal Governments or their agents. All Signs in this category shall be maintained in good condition, and if not, the City shall cause said Sign to be removed. If any Sign in this category is for a special event, that Sign shall not be erected more than two (2) weeks prior to the event and shall be removed no later than two (2) days after the event. The owner or organization shall be responsible for all costs involved in the erection and removal of such Signs. A freestanding community service Sign shall not exceed six (6) square feet in area.

(h) Official flags of governmental jurisdictions, and one (1) flag carrying the emblem of a business firm or other organizations. Maximum size for governmental flags shall not exceed six (6) by eight (8) feet and flags for businesses shall not exceed sixteen (16) square feet.

(i) Commemorative Plaques, placed by governmental or civic organizations, and integral Signs.

(j) Political Signs concerning candidates for public office and ballot issues, provided that such signs contain primarily a political message and are located on private real property with the consent of the property owner, and provided that each such Sign:

- (1) is not generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political
- (2) is not larger than six (6) feet by five and one half (5 ½) feet and the bottom of the sign cannot extend more than three (3) feet above grade
- (3) is not more than eight (8) feet high
- (4) is not illuminated,
- (5) does not have moving elements,
- (6) is not erected earlier than ninety (90) days before the election, and
- (7) is to be removed within two (2) five (5) days after the election.

Political Signs are exempt from the permit requirements of Section II and from Section V regarding prohibited signs.

(k) One Property Identification Sign indicating name and/or address and not exceeding two (2) square feet in area.

V. PROHIBITED SIGNS

The construction, placement, existence, use of or advertisement on Signs of the following nature is prohibited:

- (a) **Out of Business Signs.** Signs which advertise an activity, business, project or service which has been out of business for more than forty-five (45) days. A Sign which is abandoned such that it has not been used for advertising or promoting a going concern for three (3) months shall be removed by the current owner, leasing agent or tenant.
- (b) **Moving Signs.** Signs which move or contain visible moving parts.
- (c) **Advertising Devices.** Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar attention getting advertising devices.
- (d) Signs which contain statements, words or pictures of an obscene, indecent or immoral character which offend public morals or decency. No Sign or other advertising structure shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community

standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

(e) Signs (other than Canopy Signs or Projecting Signs) on buildings located adjacent to the public right-of-way or portions thereof if permitted in Section III which are located on or extend over any public sidewalk, street, alley or other publicly owned property. Signs required or authorized by governmental authorities are exempted from these provisions.

(f) **Hazardous Signs.** Any Signs which constitute a hazard to pedestrians or vehicular traffic, and Signs which may be confused with, interfere with or which obstruct the view of a traffic Sign, signal or device. No Sign shall:

(1) Obstruct free and clear vision at any street intersection.

(2) Interfere with, obstruct the view of, or be confused with any authorized traffic Sign, signal or device because of its position, shape or color.

(3) Make use of the words “STOP”, “LOOK”, “DANGER” or any other word, phrase, symbol, or character in a manner that interferes with, misleads or confuses traffic.

(4) Present a traffic hazard by using illumination resembling an emergency signal.

(g) Signs which make use of any word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse vehicular or pedestrian traffic.

(h) Portable or wheeled Signs, including Realty Signs.

(i) Signs with flashing, blinking, or traveling lights.

(j) Signs attached to or located upon structures such as benches, trash containers or fences.

(k) Signs placed on the side or rear of any building or property when such Sign faces upon a contiguous residential district, waterway or golf course.

(l) Nothing contained herein shall be construed to prohibit the display of the flag of the United States, State of Texas or any political subdivision permitted in Section IV (h).

(m) **Roof Signs** mounted on, wholly supported by, or painted on the roof of a building.

(n) **Damaged Signs.** All Signs displayed in Horseshoe Bay shall be professionally made, and maintained in “LIKE NEW” condition at all times. No Sign or other advertising structure shall be inadequately maintained so as to show evidence of deterioration, including rotting supports, peeling, rust, dirt, fading, discoloration or holes. Damaged Signs which are not repaired within thirty (30) days following the date of the damage or following the date of notice to repair same given by the Development Services Manager, or any police officer, to the party responsible for such Sign, whichever is sooner may be removed by the Development Services Manager or a police

officer. Such thirty (30) day period shall be extended provided that a bona fide work order bearing a delivery date for repairs is submitted to the Development Services Manager within the initial thirty (30) day period. The thirty (30) day period shall be extended until seven (7) days after the delivery date shown on the work order. The provisions of this Section are subject to the provisions of Section II.

(o) Bandit Signs.

(p) Obstructions to Doors, Windows or Fire Escapes. No Sign or other advertising structure shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No Sign of any type shall be attached to a stand pipe or fire escape.

(q) Unsafe Signs. No Sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance and if so, may be declared a public nuisance and be forwarded to the Development Services Department for action.

(r) Illuminated Signs. Illuminated signs are prohibited unless authorized in Section III. No Sign or other advertising structure shall be illuminated with lights that glare into or upon the surrounding area or any residential premises or distract operators of vehicles or pedestrians on the public right-of-way. Neon and Flashing Signs are prohibited. Fluorescent lighting is prohibited on or within detached Signs. Illuminated Signs inside a building are not allowed if visible from outside the building.

(s) Vehicular Signs. No Sign or other advertising structure shall be painted on or be attached to a vehicle used primarily for the display of such Sign, including, but not limited to a billboard truck or trailer. This section shall not prohibit the identification of a business or its products or services on its vehicle(s) operated and parked in a manner appropriate to the normal course of business.

(t) Temporary Signs. Temporary Signs other than those specifically permitted in this Ordinance are prohibited on property, structures, including inside windows, and on or in vehicles or recreational equipment.

(u) Bench Signs.

(v) Nonconforming Signs. A Sign not in conformance with these regulations, which was lawfully permitted and erected prior to the enactment of said regulations, shall be considered a non-conforming Sign. Non-conforming Signs shall be exempted from the provisions of this Ordinance, unless damaged by natural causes or otherwise destroyed, taken down, or removed for any purpose other than maintenance operations which is allowed. It may not be re-erected, reconstructed or rebuilt, except in full compliance and conformance with this Ordinance. Any non-conforming Sign which is damaged or is deteriorated to a point where its restoration cost exceeds thirty percent (30%) of its replacement value, shall be removed, unless otherwise authorized to remain. Any non-conforming sign whose copy is changed requires approval of a Permit as a new sign.

(w) Unlawful Signs. An unlawful Sign is not a non-conforming Sign and must be removed within thirty (30) days. Any Sign erected or maintained which is not in conformance with this Ordinance or prior Ordinances of the City, is hereby declared to be a public nuisance and shall be removed or brought into compliance within the thirty (30) day period indicated. If the City finds that any Sign or other advertising structure installed since the adoption of the Ordinance is prohibited by the provisions of this Ordinance, the City shall give written notice to the Permittee or the owner of the property upon which the structure is located. If the Permittee or owner fails to remove or alter the structure so as to comply with the standards set forth in this Ordinance within thirty (30) days after such notice, the City may undertake such removal or alteration as is necessary to bring the structure into compliance and assess the costs to the Permittee or owner. The City may cause any Sign or other advertising structure which represents an immediate peril to persons or property to be removed or altered immediately and without notice, and without compensation to the Sign owner.

(x) Free Standing Service Facilities Signs.

(y) Signs in the Setback Clearance Zone. Except for street signs and Directional Signs

(z) Agricultural Signs.

(aa) No Sign, advertisement, billboard, or other advertising structure of any kind (including but not limited to Signs, advertisements, billboards, or other advertising structures promoting sales, lease or rent of lots or land) shall be erected or allowed to remain on any of the unimproved lots or land and no Sign shall be erected or allowed to remain on any lot or land improved or unimproved, except as expressly provided in Section III. In addition and without limitation, no Sign, advertisement, billboard, or other advertising structure of any kind (including but not limited to Signs, advertisements, billboards, or other advertising structures promoting sales of lots or land) shall be erected or allowed to remain on any right of way or easement, whether dedicated for public use or not, without prior written approval of the appropriate subdivision's Architectural Committee, which approval may be withheld for any reason. It shall be the duty of the appropriate subdivision's Architectural Committee to remove or cause to be removed any Sign, advertisement, billboard, or other advertising structure erected in violation of these prohibitions: provided the appropriate subdivision's Architectural Committee shall never be deemed liable for failing or refusing to exercise said duty.

(bb) For Sale Signs. No type of "For Sale" Sign or other advertisement that a vehicle is available for purchase may be placed on or displayed in any automobile, pickup, truck, tractor, trailer, recreational vehicle, boat, motorcycle or similar vehicle.

(cc) Billboards.

(dd) Off-Premise Signs. Except for Directional Signs.

(ee) Construction Identification Signs for purposes of identifying the work of remodeling, renovation, repair and home improvement are prohibited.

VI. OTHER

Many of the Single and Multiple Family projects in Horseshoe Bay have established their separate restrictions through their Property Owners' Association (Association). The provisions of this Ordinance shall not override a provision contained in the restrictions of such Association if that provision is more restrictive than this Ordinance.

VII. PUBLIC SAFETY PROTECTION

Nothing in this Ordinance is meant to prevent any public safety organization or agency from setting up and utilizing any type of Sign needed on a temporary basis to protect and enhance public safety solely at the discretion of the Public Agency in the performance of its official duties.

VIII. ENFORCEMENT

(a) Civil and Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

(b) Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

(c) Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance, including removal of Signs that violate this Ordinance at the expense of the Sign owner; and
- (2) A civil penalty up to one thousand dollars (\$1,000) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) Other available relief.

(d) Other Enforcement

(1) The City may remove any Sign not in compliance with this Ordinance at the Sign owner's expense.

(2) The appropriate subdivision's Architectural Committee, a subdivision's Property Owners' Association (POA) or the owner of any lot or land in Horseshoe Bay may take actions to enforce the conditions of this Ordinance.

IX. SEVERABILITY

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

X. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

XI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND ADOPTED on this the 18th day of September, 2007.

CITY OF HORSESHOE BAY, TEXAS

/S/

Robert W. Lambert, Mayor

ATTEST:

/S/

Toni Vanderburg, City Secretary